

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 10-10339-RWZ

UNITED STATES OF AMERICA

v.

MIGUEL RODRIGUEZ

ORDER

October 28, 2014

ZOBEL, D.J.

In light of defendant's consistent and diligent attempts to pursue his appeal as reflected in his attorney's affidavit (Docket # 190-1) and his letter to the court (Docket # 191), the excusable neglect of his attorney, and the absence of any prejudice to the government, extension of the time to file a notice of appeal is warranted. See U.S. v. Gaytan-Garza, 652 F.3d 680, 680 (6th Cir. 2011) ("Rule 4(b), unlike Rule 4(a), is not established by statute, and it is now clear that Rule 4(b) is not jurisdictional.") (collecting cases from the Second, Third, Fourth, Seventh, Eighth, Ninth, Tenth, Eleventh and District of Columbia circuits).

Defendant's Motion to File Notice of Appeal Late is ALLOWED.

October 28, 2014

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

